

REMARKS

Claims 1-31 remain pending.

The independent Claims 1 and 20 have been amended to clarify the order of the steps to better distinguish the claims from the prior art. Claims 2, 3, and 21 have been corrected, as requested by the examiner, to overcome the objections.

The Abstract has been amended so that the Abstract is now about 130 words.

The examiner rejected Claims 1-3, 5-10, and 12-31 under 35 USC 103 as being obvious over Cregan (US 2005/0054420) in view of Crawford (US 6,270,412).

In Applicant's inventions of independent Claims 1 and 20, an array of symbols is randomly generated in a first game, where the array of symbols includes a special symbol in a first position in the array. The player then initiates a second game, immediately subsequent to the first game. The special symbol from the first game is then shifted to a second position in the array. After the shifting, randomly selected symbols in the second game are then displayed, with the special symbol remaining in the second position. An award is then based on the resulting combinations of symbols, including the special symbol.

An important feature of the invention is that the player does not know the significance of the shifted position until the new array of symbols in the second game is displayed. The shifting of the special symbol may be for better or for worse. Secondly, the shifting of the special symbol only occurs in a second game, so the player does not have two chances to win a single game but must play another game to make use of the shifting feature. This keeps the player playing the gaming machines. The invention is very different from other games where the player selects the position of a saved symbol to best use the symbol in a known array.

Cregan describes a slot machine where, if a subset of symbols (e.g., 4 symbols) aligns in a certain manner (Fig. 3A), the symbols within the subset progressively swap positions within the subset during a **single** game (Figs. 3B-3E). (See Abstract.) An award is granted for each winning combination as the symbols in the subset are swapped. Alternatively, the

game ends once an award is granted. No symbols other than the symbols in the subset are changed.

One significant difference between the Cregan game and Applicant's inventions of Claims 1 and 20 is that Cregan's symbol shifting occurs during a single game while all other symbols remain static. The shifted symbols do not carry over to the next game. The fact that the other symbols in the array remain static in Cregan is a key to the game since the swapping of symbol positions only makes sense when other symbols in the array do not change. So Cregan could not suggest shifting a special symbol from a first position in a first game to a second position in a second game, prior to the symbols in the second game being displayed, as recited in Applicant's Claims 1 and 20.

The examiner combined Cregan with **Crawford** for teaching carrying over symbols to a subsequent game. In the most pertinent embodiment taught by Crawford, the player or the CPU saves a symbol from game 1, and the player then "manually" positions that saved symbol in a displayed array of symbols during any other subsequent game (col. 3, lines 51-64; col. 4, lines 8-30). The player typically positions the saved symbol using buttons (col. 4, lines 48-54; col. 5, lines 45-50). In another embodiment, the saved symbol can only be used in the same position from whence it came so the player selects when to use the saved symbol to obtain the highest award (col. 4, lines 8-10). In another embodiment, the saved symbols are automatically applied in a subsequent game to achieve the highest award (col. 5, lines 40-44).

In Crawford, it is a key feature that the array of symbols in the subsequent game be first selected **followed** by the determination of where or when to use the saved symbol in the array based on achieving the highest award. There is no chance or randomness in deciding when to use the saved symbol since the saved symbol is used in order to achieve the highest award within the already-displayed array of symbols.

In both Cregan and Crawford, the odds of winning are skewed greatly in the player's favor since, in Cregan, the player is given four or more chances to win in a single game, and, in Crawford, the player is given at least two chances to win in a single game and is actually guaranteed winning with a saved symbol or else the saved symbol would not be used up. The

examiner indicated on page 4 of the office action that it would have been obvious to modify Cregan to apply the shifting of symbols to a second game “in order to provide more player appeal for the machine by allowing the player additional possibilities for winning...” However, Applicant’s Claims 1 and 20 do not provide additional possibilities for winning since only one combination is created per game.

There is no suggestion to apply Cregan’s shifting of symbols over multiple games since that goes against the basic premise of the Cregan game (i.e., shifting the symbols multiple times while within a known static array), and there is no suggestion in Crawford to apply a saved symbol to an array position before the other symbols in the array are already known since that goes against the basic premise of the Crawford game (i.e., apply the saved symbol to a position to achieve the highest value award).

Any combination of isolated features from Cregan and Crawford that could be used to piece together Applicant’s Claims 1 and 20 would use impermissible hindsight since the invention goes against the teachings of both references.

The remaining art used for rejecting the dependent claims does not make the independent claims obvious when combined.

Accordingly, all claims are respectfully submitted to be allowable. If the examiner has any question or would like further clarification of the claims, the examiner is requested to call Applicant’s attorney at 408-382-0480 x202.

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Date of Signature

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